

ED NY

Lucio Celli  
89 Widmer Road  
Wappingers Falls, New York 12590  
718-547-9675

UNITED STATES COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

LUCIO CELLI,  
Appellant/Petitioner,  
vs.  
United States of America,  
Appellee/Respondent

Case No.: 2015-cv-~~0000~~ 03679

MOTION TO DISMISS BESTY COMBIER'S COMPLAINT  
AND FOR THE AUSA TO COLLECT TAXES FROM HER  
WITH A MOTION TO TRANFER THIS TO FEDERAL  
COURT

Dear Judges:

It has come to my attention that Elizabeth Combiere is suing me again. I already planned on suing Betsy, Ben Silverman, Michael Houston, Sen. Schumer, Randi Weingarten, Judge Cogan and Judge Brodie (no immunity because they were the supposed victims, Judge Engelmayer (practiced law during my case, so only entitled to qualified immunity on and after April 6, 2021—see 28 USC §454 with all relevant case laws, legislative histories, and judicial misconduct opinions), Leticia Olivera with the Federal Defenders, AUSA Bensing with AUSA Karamigious (prosecutorial immunity) and Susan Edelman with NYPOST for violation of my HIPAA and depriving me a fair trial. Also, the UFT, AFT, and the NYC DOE. In addition, Richard Donoghue (former Deputy AG) used his position to cover up his collusion with Randi Weingarten, Betsy, and Judge Cogan because there are NOT 2 DOJ's, as he helped Betsy steal from the US, deprive me of liberty, steal from me and my parents, and covered it up with because his position is higher than the IG in the DOJ hierarchy and the IG reports to his position.

1. I motion to have this cause of action transferred to federal court, as it will become a 42 USC § 1983 action
2. Betsy with Randi, Cogan and Zucker planned to harass me on and off online, like placing my HIV on her blog
3. Betsy libeled me as well in her blog
4. Betsy knowingly harmed because she has a half of an arm with 2 fingers that she camouflages
5. All pleading made during a course of litigation is protected, which Betsy is aware of, but still makes this frivolous complaint against me.
6. I sent e for accountably foundation tax return to congress
7. On the federal docket there are receipts for a paralegal job that were paid to e for accountably foundation to "parenadvocates.org"
8. Parentadvocates.org is website for e accountably and this is based on Betsy's filings with the IRS

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9. Betsy's tax returns do not show any taxes being taken out for paralegal work, as required by tax exempt laws, which I described, and it is under seal
10. I informed Judge Engelmayer that the collection of taxes is not a judicial act, but a ministerial act
11. I informed Judge Engelmayer and Judge Donnelly (Judicial Immunity) about Susan Edelman having my health information and I did not know who gave it to Ms. Edelman
12. Ms. Edelman and Ms. Combiier conspired with judges, Randi Weingarten, Sen. Schumer to deprive me of fair trial, as they made Judge Cogan appear like a victim.
13. The fact is Judge Cogan deprived me liberty without due process and helped his former clients the UFT, which I have AUSAs, like Gold, who will say Cogan committed a crime against me.
14. Betsy knows that Randi Weingarten, as she played audio-recording for me, pays Sen. Schumer's judges, like Judge Engelmayer, Donnelly, Brodie, Katzman so on...all judges that I have faced...BUT Betsy has Randi paying Judge Marrero to fix the case in Teachers4action
15. I do not know Ms. Palmer
16. I motion for the state court judge and federal judges to collect taxes from Betsy, as required by law
17. Betsy's husband is on the Tax Return
18. Betsy's evidence shows that paralegal money went into tax exempt account
19. Betsy's websites reference tax exempt foundation
20. I sent congress the form Betsy filed with IRS and it is under seal, which has NOTHING to do with paralegal work
21. There is nothing wrong with having a tax-exempt foundation doing things that are for profit, but the foundation must place the monies earned on a 990-T form
22. There are NO filings for Betsy work/money that has nothing to do with her paralegal actives with the IRS AND there is a receipt on the docket and in front of Judge Brodie
23. Betsy fills out IRS 990 form for actives that are related to the foundation, which is, in this case, to expose corruption in NYC School—all under seal and sent to congress
  - a. This form has Betsy , Polo Colon and another lady
24. Because of your websites and the receipts, you, **Betsy, needed to file 990-T**
  - a. There are receipts in the public domain that shows the FUCKING world that paralegal services were paid to a nonprofit organization.
  - b. The world can see that I motioned Judge Brodie for your personal and foundation's tax returns
  - c. Tax-exempt foundations' tax returns are public, which INCLUDE 990 (that you do file) with 990-T (that you have NOT filed ever)
  - d. I want to understand...what you part of the fact that there are receipts on the docket that you do not understand?
25. When you placed my HIY status on your tax-exempt blog, you did break the law and AUSA Bensing with AUSA Karamigious helped you

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- a. This is misconduct on their part
- b. I have AUSAs telling me something different
- c. There is no prosecutorial immunity because it is a ministerial duty
- d. Now, they did not have to do anything with criminal complaint, but they NEEDED to collect the taxes from you
- e. This is another reason I sent your documents to congress because they FUCKING lied and helped you.

26. Not two realities

27. For AUSA Bensing to correct her lies about Judge Cogan because over 80 DOJ personnel told me that Judge Cogan committed a crime against me

28. For the AUSA to address my special violations because they were in the emails, and I spoke about them with DOJ personnel

29. There is an email to the AUSAs about the AP smoking weed, getting him a hotel room, no one interviewing me and the ap having a 3020-a for sexual misconduct with the same student—Ms. Edelman and I spoke about this, and she asked me when did I tell the DOE?

**Your answer:** in emails so, you can FOIL them, and Betsy knows too because she has the video posted on her blog and the muted portion is me yelling at the PEP for their misconduct with the ap and retaliating against me.

Or go to the NYC PEP website and you will find

That portion was muted because I told them what I was going to say, and I knew that I mute me because they fucked up!!!!

30. All of my lawyers told me what my intent is, and I have over 80 AUSA saying it is a crime

31. I have more to add but I must give my lawyer time to read and I request extra time to file papers for this reason

32. To have Zachary Carter and Joseph Baranello to send all arbitration decisions with briefs to Judicial Council and House Judiciary Committee, Judge Ritter was impeached and convicted for practicing law for his former clients—like Judge Cogan for the UFT and I have over 80 AUSAs to test to this fact

- a. I only told the AUSA that Judge Cogan worked for the UFT and I told them not to plead the UFT with other facts particular to Judge Cogan and what the UFT did—they ALL said that judge committed a crime and was helping his former cleints

- b. I never told them about the fact that I pleaded sentences that Judge Cogan wrote and he said that he could not read

33. Then the truth is a defense

34. I told the AUSAs of the fact that Betsy pleaded that I defamed her because I told everyone that I paid her to be my paralegal and then Betsy submitted an email where she writes to me that I paid her to be my paralegal

- a. A AUSAs said that it appears that the judge (which would be Brodie) was conspiring with Betsy



35. To have Randi and Cogan with Brodie explain why they deprived me of liberty and other things
36. I audio recorded in federal court, and I caught Judge Engelmayer lying and practicing law and intimidating me for Sen. Schumer and Randi Weingarten, which I told him about Judge Louderbach and Sen. Shortbridge
37. Transcripts in Judge Donnelly's courtroom and Judge Engelmayer have omissions, so praise the lord for my skill of audio-recording
38. The AUSA knew that I audio-recorded in Judge Brodie's courtroom and allowed me to do so.
39. Michael Hueston suspected that I was audio-recording and he said nothing to Judge Donnelly
40. Officer Greene has my computer with some audio-recordings in Judge Engelmayer's courtroom
41. I sent some audio-recordings to the Senate Ethics committee because of 18 USC §203 and 18 USC § 205.
42. Sen. Schumer is seen and heard saying, "Randi is only my friend, but she's like a sister to me" and Schumer can be heard and seen saying this statement (or something similar) on numerous occasions
43. To have Betsy produce the audio-recording of Randi, Judge Marrero and her; where Randi is paying judge Marrero \$10,000 to fix Teachers4action lawsuit (08 cv0548)
44. Judge Marrero is a Sen. Schumer judge
45. Judge Engelmayer lied about how he became a judge, and called me stupid and crazy for saying Schumer had anything to do with his judgeship
  - a. I yelled at the bastard RIGHT back and told him that it was PUBLIC knowledge who recommended him to be a nice and I told HIM where the PUBLIC could find
  - b. THEN, I sent an octave higher and screamed..."SHAME ON YOU, SHAME ON YOU for L-Y-I-N-G on the record and for knowingly doing this too" (you must listen to the audio-recording to understand)
  - c. I should have told him that I need to wipe my ass with your oath of office or you're another small dick fucker, like Cogan, who needs a strap on to fuck his bitch or your mother should have swallowed you and she NEEDED to TASTE the fucking evil.
  - d. I motioned to the ENTIRE 2d. Cir. that I should have the RIGHT to wipe my ass with their oath of office.
  - e. There are automatic responses from judges, like Sen. Schumer
46. I will seek Rule 60 in cases 2015-cv-00234 and 17-cv-02239

### **Point 1: Pleadings are Protected in NYS**

New York has traditionally accorded an absolute privilege to oral or written communications made in the course of judicial proceedings and which relate to the litigation. Consequently, a statement made in the course of a judicial proceeding is absolutely privileged under New York

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common law so long as it is considered material and pertinent to the litigation. *Conte v. Newsday, Inc.*, 703 F.Supp.2d 126, 146 (E.D.N.Y.2010) (Bianco, J.); see *Martirano v. Frost*, 25 N.Y.2d 505, 507, 307 N.Y.S.2d 425, 255 N.E.2d 693 (1969) (“[A] statement, made in open court in the course of a judicial proceeding, is absolutely privileged if, by any view or under any circumstances, it may be considered pertinent to the litigation.”). The absolute privilege attaches to every step of the judicial proceeding, not just the hearing or trial phase. *Weitz v. Wagner*, No. 07-CV-1106, 2008 WL 5605669, at \*7 (E.D.N.Y. July 24, 2008) (Boyle, J.) (internal citation omitted). Furthermore, the privilege attaches to witnesses as well as judges, parties, and attorneys. *Id.* The complete immunity for such statements is predicated upon the public interest in the freedom of participants in litigation to “speak with that free and open mind which the administration of justice demands.” *Youmans v. Smith*, 153 N.Y. 214, 47 N.E. 265(1897). *D’Annunzio v. Ayken, Inc.*, 876 F.Supp.2d 211, 216-17 (E.D.N.Y. 2012)

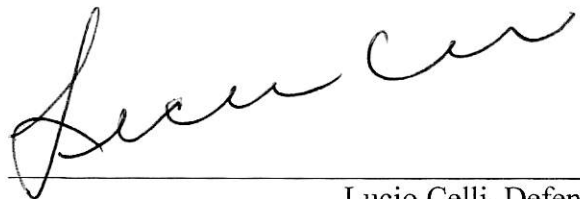
**Point 2: Statements made a year and beyond are time-barred from the date of date,**

All statements Combier cited against Lucio must be dismissed on the ground that the claims are time-barred under the one-year statute of limitations for defamation (see CPLR 215) in the State of New York. Combier first filed this lawsuit on September 9, 2021. New York State Courts have relied on single publication rule is applied in defamation cases: “The Appellate Division affirmed (287 A.D.2d 771), reasoning that the single publication rule applied and that the claim was not timely filed.” *Firth v. State of New York*, 98 N.Y.2d 365, 368 (N.Y. 2002).

Dated this 11<sup>th</sup> of October, 2021.

I  
Request  
sanctions

11/16/21



Lucio Celli, Defendant

The E-Accountability Foundation Inc

The goal of the Organization is to enhance and provide a system of accountability in the nation's children education. Through the organization activities and its website, the nation's parents can learn and take an active role in the nation's children's education.

The organization believes that parents and taxpayers should have an active voice and force as to which programs their children participate in, where monies are allocated to and what children should be entitled to as to the quality of their educational opportunities.

The organization's online magazine is also a tool which seeks to inform and empower parents or guardians of children. The organization believes that we, as a group, must hold our educational leaders and elected officials accountable for the actions they take vis-à-vis our nation's children. The organization strives to tell and inform parents what those actions are, as well as what can be done to protect and nurture your child while in the system. When our nation's children do not receive a free and adequate education and may be ignored by the elected officials and the educational system, action needs to be taken immediately and not depend on the system to solve the issues at hand.

Through today's new technology, computers and the internet, we can use those tools to bring about systematic change and make sure that our elected officials and educators are as passionate as parents, taxpayers, and the organization is about putting children first.

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This page was submitted by Besty,  
along with ~~for~~ IRS form 1023 to  
state the purpose of "E-Accountability  
and has parentadvocates.org as  
one of its websites



**Form 1023**  
(Rev. June 2006)  
Department of the Treasury  
Internal Revenue Service

**Application for Recognition of Exemption  
Under Section 501(c)(3) of the Internal Revenue Code**

OMB No. 1545-0056

Note: If exempt status is approved, this application will be open for public inspection.

Use the instructions to complete this application and for a definition of all **bold** items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at [www.irs.gov](http://www.irs.gov) for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

**Part I Identification of Applicant**

1 Full name of organization (exactly as it appears in your organizing document) <b>The E-Accountability Foundation Inc</b>		2 c/o Name (if applicable)
3 Mailing address (Number and street) (see instructions) <b>315 East 65<sup>th</sup> Street</b>	Room/Suite <b>4C</b>	4 Employer Identification Number (EIN) <b>16-1642397</b>
City or town, state or country, and ZIP + 4 <b>New York NY 10065</b>		5 Month the annual accounting period ends (01 - 12) <b>12-31</b>
6 Primary contact (officer, director, trustee, or authorized representative) a Name: <b>Elizabeth Combier- Pres</b>		b Phone: <b>(212) 794-8902</b> c Fax: (optional)
7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Please</b>		
9a Organization's website: <b>ParentAdvocates.org</b>		
b Organization's email: (optional) <b>100R</b>		
10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) <b>12/04/2002</b>		
12 Were you formed under the laws of a foreign country? If "Yes," state the country. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

For Paperwork Reduction Act Notice, see page 24 of the instructions.

Cat. No. 17133K

Form 1023 (Rev. 6-2006)

one  
only  
website

JUL 31 parentadvocates.org Money sent

Paid with MCARD x-2929  
 Your \$55 "PAYPAL" "PARENTADVOC" on your card statement  
 Transaction ID: 0KG01217JV0385103

Sent to parentadvocates.org (212) 794-8902 betsy.combier@gmail.com

Note to parentadvocates.org  
 For assistance: Sent using the PayPal Mobile application

Details  
 Sent to parentadvocates.org \$500.00  
 Fee - \$14.80  
 Total \$514.80

See details on classic site

Print details

*Handwritten notes on the form:*  
 - look at form 1023

She also charged Sherene McDonald for legal services [sherenemcdonald@yahoo.com](mailto:sherenemcdonald@yahoo.com) 3474625630

She attempted to collect money for legal services from Teacher Thomas Filoramo as well. Tom72981@gmail.com

This is Besty's for profit ~~business~~ service being paid into a nonprofit account

the problem is, Besty ~~doesn't~~ <sup>hasn't</sup> filed a 990-T form.

So, my statement of ~~Besty's~~ Besty, is evading taxes is ~~back~~ <sup>on</sup> facts

Please file tax return